

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 In re VEECO INSTRUMENTS INC. :  
 SECURITIES LITIGATION : No. 7:05-MD-01695-CM-GAY  
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**DEFENDANTS' PROPOSED VOIR DIRE QUESTIONS**

The Defendants respectfully request that the following questions be posed to the prospective jurors and/or included in a questionnaire:

- (1) This is a securities class action case in which the plaintiffs claim that the defendants knowingly or recklessly made certain materially false or misleading statements or omissions relating to their financial results, that, when publicly corrected, caused a decline in the value of their investment in Veeco securities. Is there anything about this type of case that makes you feel that you could not properly and fairly hear and decide the issues that will be submitted to you in this trial, solely on the evidence you hear and see in this courtroom?
- (2) This particular trial will take approximately two to three weeks. It may take longer. Will you find it difficult to participate as a juror for that period of time?
- (3) Do you have any physical impairment that might prevent you from serving on a jury?
  - i. Do you have any difficulty seeing or hearing?
  - ii. Do you require regular or frequent medication?
  - iii. Do you have trouble sitting for long periods of time?
- (4) The lead plaintiff in this case is the Steelworkers Pension Trust. Have you, or any family members or friends ever had any dealings with Steelworkers Pension Trust?

- (5) The defendants are Veeco Instruments, Inc., and three officers of Veeco, Edward H. Braun, John F. Rein and John P. Kiernan. Are you personally acquainted with any of these defendants?
- (6) Have you or anyone you know ever had any dealings with Veeco, or with Mr. Braun, Mr. Rein, or Mr. Kiernan?
- (7) To your knowledge, do you, or any member of your household, own any stock, bond or other security in Veeco Instruments, Inc.? Have you, or any member of your household ever owned any stock, bond or other security in Veeco Instruments, Inc.?
- (8) This case involves Veeco's purchase of a division called TurboDisc from another corporation called Emcore Corporation. Are you familiar with either TurboDisc or Emcore? Have you or anyone you know ever had any dealings with TurboDisc or Emcore?
- (9) The names of other companies about which you may hear evidence during this trial include: Ernst & Young LLP, Jefferson Wells International, Inc., Kaye Scholer LLP, Standard & Poors, Aixtron AG, and Bunker, Inc. Have you or any member of your family ever been connected with, employed by, or had an interest in or transacted business with any of these companies?
- (10) The attorneys for the defendants are John Herfort, Robert Serio, Ross Wallin, David Holgado, Jennifer Halter Colgan, Katherine Kaufmann Shih, Colin Young and Patrick Downes from the law firm of Gibson, Dunn & Crutcher LLP. Do you know any of these attorneys, or have you had any dealings with the law firm of Gibson, Dunn & Crutcher LLP?

(11) The attorneys for the plaintiffs are Carole Broderick, Sherrie Savett, Arthur Stock, Phyllis Parker, and Jeff Osterwise of the law firm Berger & Montague, P.C. Do you know any of these attorneys, or have you had any dealings with Berger & Montague, P.C.?

(12) Are you related to, acquainted with, or otherwise familiar with any of the following people who may testify in this case?

- i. Loren Abrahamson
- ii. Steven Amato
- iii. Herman Birnbaum
- iv. David Bonagura
- v. Marlin Braun
- vi. Edward Braun
- vii. Cathy Cantasano
- viii. Ekaterina Chemeris
- ix. Joel Elftmann
- x. Alex Fredericks
- xi. Heinz Fridrich
- xii. Rory Greiss
- xiii. David Hoppman
- xiv. Bruce Huff
- xv. Vinita Juneja
- xvi. Lawrence Karp
- xvii. John Kiernan

xviii. Gary Levin

xix. Irwin Pfister

xx. Gary Reifert

xxi. John F. Rein, Jr.

xxii. Frances Scally

xxiii. Kenneth Scott

xxiv. Jamie Sillett

xxv. Rosa Tan

xxvi. Thomas Vollmer

xxvii. [List Plaintiffs' Witnesses]

(13) Do you have any personal knowledge of this case aside from what you've just heard, or have you read or heard it discussed? If so;

i. What is the source of this knowledge?

ii. Have you heard any opinions from others related to this case?

iii. What are they?

iv. Have you formed or expressed any opinions relating to this case?

v. What are they?

vi. Knowing what you know about this case and taking into consideration any opinions you may have formed, would you be satisfied to be tried by a juror having your frame of mind if you were the plaintiff?

vii. Would you be satisfied to be tried by a juror having your frame of mind if you were the defendant?

viii. Do you have any interest, financial or otherwise, in the outcome of this case?

- ix. Would you or anyone in your family, or a close personal friend, be affected depending upon which party prevailed in this lawsuit?
- x. Is there anything about the nature of this case that makes you hesitate to sit on this jury?
- xi. Do you have any feelings for or against either party in this case?

(14) Among other things, Veeco is in the business of manufacturing equipment used by manufacturers in the data storage, semiconductor, compound semiconductor/wireless and light emitting diode (“LED”) industries. Are you familiar with any of these products? Have you had any experience with any of these products? If so, were those experiences generally positive or negative?

(15) Do you have any experience or training in any of the following areas? If so, please describe the nature of your experience:

- i. Accounting
- ii. Auditing
- iii. Bookkeeping
- iv. Law
- v. Finance
- vi. Securities Regulation
- vii. Fraud Investigations
- viii. Engineering
- ix. The manufacturing or service of products in the data storage, semiconductor, compound semiconductor/wireless and LED industry.

- (16) Do you have any friends or family members with any experience in any of the above-listed areas? If so, please describe their experience.
- (17) What is your educational background? What schools have you attended? Do you have any other professional training?
- (18) Are you currently employed?
- (19) What is the nature of your employment?
- (20) How long have you been employed in this position?
- (21) Can you please describe any jobs you've held prior to the job you currently hold?
- (22) Why did you previous job(s)?
- (23) Is your employer/company a publicly or privately held firm? Your former employers?
- (24) How large is your current company? Former employers?
- (25) Do you have access to internal financial information, such as sales projections, profits, etc? Is the nature of your business in any way seasonal or cyclical?
- (26) Do you currently hold investments in any individual corporate stocks or bonds in an individual brokerage account, retirement plan, or otherwise?
- (27) Do you currently have any investments in mutual funds that hold corporate stocks or bonds in an individual brokerage account, retirement plan, or otherwise?
- (28) Do you use a broker, or do you make investment decisions on your own?
- (29) Have you ever received a financial statement or other report produced by a public company?
- (30) How comfortable are you in relying on these reports to reflect the truth about what is happening in a company?

- (31) In general, do you think that public companies try to withhold or limit information provided to investors?
- (32) What do you believe are the major factors that cause public stocks to rise or fall?
- (33) Have you ever worked for a company or division within a company that was sold, merged or acquired by another company?
- (34) Have you ever worked for a company that acquired another company or division?
- (35) Were you involved in negotiating the sale, merger or acquisition?
- (36) Did any difficulties arise following the sale, merger or acquisition?
- (37) Have you ever been involved in a dispute or lawsuit related to your investments, such as a class action securities case, or a fraud case, etc.
- (38) Have you ever been involved in a dispute related to an employment issue?
- (39) Have you ever been in a dispute related to allegations of breach of contract?
- (40) Do you feel that you ever entered into an agreement based on the false representation of another party?
- (41) Have you, or a family member or friend ever been a plaintiff, a defendant, or a witness in a lawsuit?
  - i. Was the lawsuit filed?
  - ii. Was it a criminal or civil lawsuit?
  - iii. What were the nature, circumstances and date of the claim or lawsuit?
  - iv. Was the case settled out of court? If so, was it settled to your (their) satisfaction?
  - v. Was the lawsuit tried? Before a jury? Were you (they) satisfied with the results?

- vi. Is there anything about your (their) experience which might affect your partiality in this case?
- (42) Have you ever served on or been called for jury service prior to this case? If so:
  - i. In what court and for what period of time?
  - ii. On what type of case (e.g., civil/criminal, personal injury, anti-trust, trade secret, contract, and the like)?
  - iii. Did the jury on which you served arrive at a verdict?
  - iv. Did you concur on that verdict?
  - v. Did anything occur during the trial or jury experience that left you with any feelings that might influence you in this trial?
  - vi. Did anything occur during the trial or jury experience that left you with any unfriendly feelings toward litigants (either plaintiffs or defendants), lawyers and/or courts?
- (43) Are you familiar with audits of large companies?
- (44) Have you been involved, in any way, with an audit of a company? If so, how?
- (45) Do you believe that executives will lie to increase their profits?
- (46) Do you believe that large companies will lie to win a lawsuit?
- (47) Do you believe that big businesses will engage in deceptive conduct to increase profits?
- (48) Do you believe that corporate executives as a group are not trustworthy or honorable?
- (49) Do you have any bias against large corporations?
- (50) Would you have difficulty following the law if you personally disagreed with it?

- (51) Do you understand that corporations are the equivalent of individuals under the law and that you have to treat them the same way you would treat an individual party?
- (52) During this trial, as in all trials, the plaintiffs will present their case first and the defense has a chance to present evidence afterwards. Will you wait until all the evidence is in and the law has been explained before deciding who is right?
- (53) Do you believe that merely because the plaintiffs filed a lawsuit against the defendants that they are entitled to recover something? In other words, do you believe that because the defendants are here they must have done something wrong?
- (54) Do you believe that the defendants have to prove that they did not do anything wrong?
- (55) Is there any reason why you cannot be fair and impartial in rendering a verdict in this trial?

Dated: New York, New York  
June 6, 2007

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

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